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UL 0 9 2004

| In re application of: Galloway et al. | Examiner: Shahnan Shah, Khatol S. | | |
|--|---|--|--|
| Serial No.: 09/747,521 |) Art Unit: 1645 | | |
| Filed: December 21, 2000 |) Date of Mailing of Notice of) Allowance: February 11, 2004 | | |
| For: METHODS FOR PROTECTING AGAINST LETHAL INFECTION |) | | |
| WITH BACILLUS ANTHRACIS |) Confirmation Number: 9991 | | |
| |) Attorney Docket No.: 22727/04079 | | |

Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

FAX: 703-305-4257

PETITION TO WITHDRAW FROM ISSUE--ISSUE FEE
PAID--TO PERMIT CONSIDERATION OF A REQUEST
FOR CONTINUED EXAMINATION (RCE) HAVING AN
INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.313(c)(2))

Dear Sir:

Applicant hereby petitions for the withdrawal of the above-referenced application from issue. The issue fee for this case was paid on May 11, 2004.

The application has not yet been scheduled to issue. A petition to revive an unintentionally abandoned application was filed in this case on July 1, 2004.

The reason for the request for withdrawal from issue of this application is for consideration of a request for examination ("RCE") having a supplemental information disclosure statement ("IDS"). 37 C.F.R. § 1.313(c)(2).

An RCE having an IDS is being filed with this Petition. This withdrawal from is seeing requested so that the PTO will be able to consider the references in the supplemental IDS accompanying the RCE.

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Please charge Deposit Account 03-0172, for the petition fee of \$130.00 and the RCE fee of \$770.00, as set forth in 37 C.F.R. §1.17(e) & (h).

It is believed that no additional fees are due with this petition; however, if any additional fees are due in this matter, please charge same to Deposit Account No. 03-0172.

If you have any questions, please do not hesitate to contact Applicant's attorney below.

Respectfully submitted, CALFEE, HALTER & GRISWOLD LLP

Date: (_/ulu

By: Joan N. Drev

Reg. No. 52,364

PTO/SB/30 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
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| Under the Paperwork Reduction Act of 1995, no persons are requ | ired to respond to a collection of informa | ation unless it contains a valid OMB control number. | |
|--|--|--|--|
| Request | Application Number | 09/747,521 | |
| For Continued Examination (RCE) | Filing Date | December 21, 2000 | |
| Transmittal | First Named Inventor | Galloway RECEIVED | |
| Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 | Art Unit | 1045 | |
| | Examiner Name | Shahnan Shah JUL 0 9 2004 | |
| | Attorney Docket Number | 22727/04079 OFFICE OF PETTERNS | |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

| 1995 | est for C , or to ar | continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to Juliny design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2. | ne o, | |
|---------------|-------------------------|--|-----------|------|
| 1. | amend | mission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and Iments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If ant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such Iment(s). | , | |
| | а. 🗀 | Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked. | 28/ | |
| | i. | Consider the arguments in the Appeal Brief or Rely Brief previously filed on | | _ |
| | ti. | . Other | A | - |
| | b. X | Enclosed | | |
| | i. | Amendment/Reply iii. X Information Disclosure Statement (IDS) | Enter | Eel) |
| | ii. | . Affidavit(s)/ Declaration(s) iv. Other | _ | |
| 2. | Misce | ellaneous | · · | |
| | a. [| Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required) | | |
| | ь. Г | Other Thoritis. (Feriod of suspension shall not exceed 3 months, Fee didde of 5 ft 1.17(f) required/ | | |
| 3. | Fees | The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. | | |
| J. | | The Director is hereby authorized to charge the following fees, or credit any overpayments, to | i | |
| | a. X | Deposit to the second s | | |
| | i. | RCE fee required under 37 CFR 1.17(e) | | |
| | ii. | | | |
| | iii | Other Petition Fee \$130.00 for Petition to Withdraw from Issue | | |
| | b | Check in the amount of \$enclosed | | |
| | c. | Payment by credit card (Form PTO-2038 enclosed) | | |
| | | WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | |
| | | SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED Registration No. (Attorney/Agent) 55364 | <u> </u> | |
| Name Signa | e (Print/T nture | ype) Joan N Drew Registration No. (Attorney/Agent) 58-364 Date July X 2084 | * | |
| | | CERTIFICATE OF MAILING OR TRANSMISSION | <u> </u> | |
| addre | ssed to: N | that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patentand Tradate shown below. | 0種17 | |
| Name | (Print/Ty | (Pe) S S S | <u> </u> | |
| Signa | | Date S 8 6 of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file about by the | 000E | |
| to pro | cess) an | application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, 4 | actuality | |

to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 numures to complete to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 numures to complete gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. An commendation of the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officed U.S. Pater and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED TECHNIS TO BE ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.